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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MOHAMMED ABUZIR,

Petitioner,

vs.

MICHAEL CHERTOFF, SECRETARY OF
THE DEPARTMENT OF HOMELAND
SECURITY, MICHAEL MUKASEY,
ATTORNEY GENERAL, ROBIN BAKER
DIRECTOR OF SAN DIEGO FIELD
OFFICE, U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT, JOHN
GARZON, OFFICER-IN-CHARGE,

Respondents.

CASE NO. 07cv2249 IEG (LSP),

**ORDER (1) GRANTING MOTION
TO PROCEED IFP;
(2) DIRECTING RESPONDENTS
TO SHOW CAUSE**

Petitioner has submitted a Petition for Writ of Habeas Corpus pursuant to 22 U.S.C. § 2241, together with a request to proceed in forma pauperis and a motion for appointment of counsel pursuant to 28 U.S.C. § 3006A. Petitioner was ordered removed to Jordan on October 30, 2006 and has been in custody since September 25, 2006. He alleges that his continued indefinite detention is unlawful because he has been detained beyond the presumptively reasonable period of six months and there is no significant likelihood of removal in the reasonably foreseeable future. See Zadvydas v. Davis, 533 U.S. 678 (2001); Nadarajah v. Gonzalez, 443 F.3d 1069 (9th Cir. 2006).

I. Motion to Proceed Informa Pauperis

Petitioner has only \$0.69 on account at the institution in which he is presently confined, and accordingly, Petitioner cannot afford the filing fee for this suit. Thus, the Court **GRANTS** Petitioner's application to proceed in forma pauperis. See 28 U.S.C. § 1915. The Clerk of Court shall file the

1 Complaint without prepayment of the filing fee.

2 **II. Order to Show Cause**


3 Having reviewed Petitioner's claims, the Court finds that summary dismissal of the petition
4 is unwarranted at this time. Accordingly, Respondents are **ORDERED TO SHOW CAUSE** why
5 the petition and motion should not be granted by:

- 6 1. making an answer in writing why the petition and the motion should not be granted;
- 7 2. filing with the Court copies of all pertinent filings, orders of the trial and appellate
8 courts (if any) relating to this case, and the transcript of the relevant proceedings in
9 this case; and
- 10 3. filing with the Court a memorandum of law and fact fully stating Respondent's
11 positions and recommendations as to the need for this Court to conduct an
12 evidentiary hearing on the merits of this petition and motion.

13 **IT IS FURTHER ORDERED** that the filing of the foregoing answer shall be made no later than
14 no later than Monday, January 7, 2008. On or before January 28, 2008, Petitioner may serve and
15 file a Traverse

16
17 **IT IS SO ORDERED.**

18
19 **DATED:** 12/7/07



Hon. Irma E. Gonzalez
Chief Judge, United States District Court
Southern District of California